

REMARKS

I. Status of Application

Contrary to the Office Action Summary, claims 1 and 4-13 are all the claims pending in the application.

Claims 1, 4, and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rogers (U.S. 1,462,942, newly cited) in view of Taillandier (U.S. 6,354,348) and in further view of Bronson (U.S. 2,272,634, newly cited).

Claims 5-8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rogers in view of Taillandier and Bronson, and in further view of Hawkes (U.S. 3,422,836).

Claim 9 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rogers, Taillandier, Bronson, and in further view of Gardner (U.S. 5,658,159, newly cited).

Applicants note that the Examiner has failed to address the subject matter of claims 10-13. Thus, the next Office Action should not be a Final Office Action.

II. Claim Rejections Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection because the new combination of references is based on improper hindsight.

The claimed invention comprises a valve as recited in claim 1 (and shown, for example, in FIG. 1), and a filling adapter adapted to engage with the valve, as claimed in claim 4 (and shown, for example, in FIG. 6). In other words, the valve is *separate* from the filling adapter, but both are designed to work together and both are currently claimed.

Claim 1

The Examiner asserts that Rogers discloses the subject matter of claim 1 except for a filling adapter and detachment-restraining means. Taillandier and Bronson are alleged to disclose a filling adapter and detachment-restraining means, respectively.

However, the Examiner has provided no rationale or motivation as to why the teachings of Taillandier and the alleged filling adapter would have been combined with Rogers. On pages 5-6 of the Office Action, the Examiner merely discusses what Rogers and Taillandier are alleged to disclose and does not provide any reason or motivation for combining these two references. Applicants respectfully submit that under MPEP 706.02(j) the Examiner “should set forth in the Office action: . . . (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and (D) an explanation as to why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made.” The Examiner has failed to provide this explanation, and the rejection is therefore improper.

Nevertheless, Applicants submit that one of ordinary skill in the art would not have combined Taillandier’s alleged filling adapter with Rogers’ valve. Rogers’ invention is directed to a pneumatic tire having multiple inner tubes and a valve for readily inflating each of the inner tubes. However, the valve in Rogers does not use or need a separate filling adapter, so there would have been no rationale or motivation for one of ordinary skill in the art to apply a filling adapter to the disclosed valve. Moreover, Applicants note that Rogers indicates in lines 105-108 that all of the compartments 14 are “inflated uniformly and simultaneously.” Accordingly, Rogers teaches away from using a filling adapter to apply different pressures to each of the chambers.

As the rejection of claim 1 is based on improper hindsight, and because the alleged combination of references would not have been made by one of ordinary skill in the art, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claim 4

With regard to claim 4, the Examiner states that it would have been obvious to “*substitute* a filling adaptor as taught by Taillandier with the [valve] body (23) of Rogers as one would have expected the filling adaptor to perform as equally as well and in order to verify the pressures in each chamber.” Office Action, page 8 (emphasis added). However, claim 4 is dependent on claim 1, and claim 1 recites a valve which is distinct from the filling adapter claimed in claim 4. Therefore, even if one were to “*substitute* a filling adaptor as taught by Taillandier with the body (23) of Rogers,” the claimed invention would still not be met because the structure of the valve and the filling adapter are separately claimed in claims 1 and 4, respectively. A mere substitution of one for the other does not meet the claimed invention, as the combination of claims 1 and 4 requires both a valve and a filling adapter.

Accordingly, the rejection of claim 4 should also be withdrawn.

With further regard to claim 4, the Examiner states on page 7 of the Office Action that “no patentable weight” is given to the recitation in lines 2-4 of claim 4. Claim 4 has been amended so that the Examiner will give patentable weight to the recitation in lines 2-4 of claim 4.

Claim 12

The Examiner does not discuss the merits of claim 12, but in rejecting claim 1 the Examiner alleges that Bronson discloses a detachment-restraining means and that it would have been obvious to incorporate Bronson's detachment-restraining means into Rogers' valve "in order to have 'rapid inflation'." Office Action, page 6, *citing* Bronson col. 4, lines 60-73.

However, even if the teachings of Bronson could somehow be combined with the teachings of Rogers, there is no reason or rationale why Bronson's alleged detachment-restraining means would be placed *only* in the valve member for the outer gas chamber as opposed to the inner gas chamber, as currently claimed. Accordingly, this allegation is based entirely on improper hindsight and such reasoning cannot be used to reject claim 12.

With regard to the remaining dependent claims, Applicants submit that these claims are allowable at least by virtue of their dependency.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

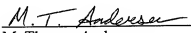
SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 24, 2010


M. Thomas Andersen
Registration No. 59,956